GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:169
ANSWERED ON:10.12.2015
Bar Council of India
Mishra Shri Bhairon Prasad

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Advocate Act, 1961, envisages setting up of Bar Council of India (BCI) in the country;
(b) if so, the details of objectives, functions and responsibilities assigned to BCI;
(c) the extent to which BCI has been successful in achieving its objectives; and
(d) whether BCI plays any role or contributes in the smooth functioning of the courts and if so, the details thereof?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)

(a) to (d) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (d) OF THE LOK SABHA STARRED QUESTION NO. 169 TO BE ANSWERED ON 10.12.2015

(a) Yes Madam. The Bar Council of India is set up under section 4(1) of the Advocates Act, 1961 (25 of 1961).

(b) The Bar Council of India (BCI) is a statutory body created by the Parliament with the object to regulate and represent the Indian Bar. The BCI performs the regulatory function by prescribing standards of professional conduct and etiquette and by exercising disciplinary jurisdiction over the Bar. The BCI also sets standards for legal education and grants recognition to Universities whose degree in law will serve as qualification for enrolment as an advocate.

In addition, the BCI performs certain representative functions by protecting the rights, privileges and interests of advocates and through the creation of funds for providing financial assistance to organise welfare schemes for them.

As per Section 7 of the Advocates Act, 1961, the functions of the Bar Council of India are as follows:-

Section 7(1) − The functions of the Bar Council of India shall be -

(a)â€¦â€¦â€¦
(b) to lay down standards of professional conduct and etiquette for advocates;
(c) to lay down the procedure to be followed by its disciplinary committee and the disciplinary committee of each State Bar Council;
(d) to safeguard the rights, privileges and interests of advocates;
(e) to promote and support law reform;
(f) to deal with and dispose of any matter arising under this Act, which may be referred to it by a State Bar Council;
(g) to exercise general supervision and control over State Bar Councils;
(h) to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils;
(i) to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities [or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf];
(i a) to conduct seminars and organize talks on legal topics by eminent jurists and publish journals and papers of legal interest;
(i b) to organise legal aid to the poor in the prescribed manner;
(i c) to recognise on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate under this Act;
(j) to manage and invest the funds of the Bar Council;
(k) to provide for the election of its members;
(l) to perform all other functions conferred on it by or under this Act;
(m) to do all other things necessary for discharging the aforesaid functions.

Section 7 (2) - The Bar Council of India may constitute one or more funds in the prescribed manner for the purpose of â€”

(a) giving financial assistance to organise welfare schemes for indegent, disabled or other advocates;
(b) giving legal aid or advice in accordance with the rules made in this behalf;]
(c) establishing law libraries.

Section 7 (3) The Bar Council of India may receive any grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2) which shall be credited to the appropriate fund or
funds constituted under that sub-section.

(c) The Bar Council of India has successfully been achieving its objectives in the country. Apart from enrolment of advocates, it has implemented Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015. The BCI has also framed the Rules to curb the frequent strikes/call of boycotts by the lawyers and it has suspended about 25 lawyers from practice in Tamil Nadu where the unruly advocates had indulged in strikes. So far as the standard of legal education is concerned, the Bar Council of India has made the Rules of Legal Education, 2008.

(d) The role of BCI is pivotal in smooth functioning of the courts. Without a noble and strong Bar, the litigants cannot expect justice. The BCI has also framed Rules for curbing the uncalled boycotts/strikes and to remove the disgruntled elements, non practicing and unruly advocates from the court premises. Even the Supreme Court of India has appreciated the aforementioned role for verification of Certificate and Place of practice of advocates and whenever there is any disturbance in the court premises, the Bar Council of India takes appropriate steps.